

AMENDED IN SENATE MAY 3, 2000
AMENDED IN SENATE APRIL 24, 2000
AMENDED IN SENATE APRIL 12, 2000
AMENDED IN SENATE MARCH 29, 2000

SENATE BILL

No. 1343

Introduced by Senator Monteith
(Principal coauthor: Assembly Member Briggs)
(Coauthors: Senators Costa, Mountjoy, and Poochigian)
(Coauthors: Assembly Members Cardoza, Florez, and
Olberg)

January 10, 2000

An act to add Section 3058.65 to the Penal Code, and to amend Section 16504 of the Welfare and Institutions Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 1343, as amended, Monteith. Parole: child abuse.

Existing law requires that whenever a person confined in prison for a violent felony as defined, is to be released upon parole, the parole authority must notify the specified local law enforcement agency and the district attorney, who has jurisdiction in the community where the parolee is to be released. The notice must be made at least 45 days prior to the scheduled release of the inmate and must include specified information relating to the parolee, including the parolee's name, whether the parolee is required to register with local law enforcement, and the community in which the parolee

will reside upon release. The agencies receiving notice are authorized to provide written comment to the parole authority responding to the scheduled release and these comments must be considered by the parole authority who is authorized to modify its decision regarding the community in which the parolee is to be released.

This bill would impose upon the parole authority those same notice requirements whenever a person confined in state prison for specified crimes involving child abuse as specified, or any sex offense specified as being perpetrated against a minor, or as ordered by a court, is scheduled to be released. However, the notice would be required instead, to be given to the ~~child-protective~~ *county child welfare* services agency with jurisdiction in the community where the parolee is scheduled to be released. In addition to the specified information stated above, the required notice also would have to include the parolee's terms of parole. By increasing the duties of local officials, this bill would impose a state-mandated local program.

Existing law requires a county welfare department social worker to make an in-person response in certain cases of children reported to be endangered by abuse, neglect, or exploitation.

This bill would require that the county welfare department that receives a notification pursuant to these provisions of the immediate release of a parolee who has a child for whom the welfare department has a previously closed case, ~~treat the notification as a report of child abuse~~ *make an investigation pursuant to one of these provisions, as specified*. This bill would require ~~an in-person visit by~~ a social worker within a specified time period to evaluate the risk to the child. By increasing the duties of local officials, this bill would impose a state-mandated local program.

The bill also would require the State Department of Social Services to report to the Legislature, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do



not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as, and may be
2 cited as, “Dustin’s Law.”

3 SEC. 2. Section 3058.65 is added to the Penal Code, to
4 read:

5 3058.65. (a) (1) Whenever any person confined in
6 the state prison is serving a term for the conviction of
7 child abuse, pursuant to Section 273a, 273ab, 273d, or any
8 sex offense specified as being perpetrated against a
9 minor, or as ordered by a court, the Board of Prison
10 Terms, with respect to inmates sentenced pursuant to
11 subdivision (b) of Section 1168, or the Department of
12 Corrections, with respect to inmates sentenced pursuant
13 to Section 1170, shall notify the ~~child-protective~~ county
14 *child welfare* services agency, having jurisdiction over
15 the community to which the person is scheduled to be
16 released on parole, or rereleased following a period of
17 confinement pursuant to a parole revocation without a
18 new commitment, as specified in subdivision (b), *and*
19 *shall notify the county child welfare services agency of*
20 *the county in which any known minor child of the inmate*
21 *lives.*

22 (2) Notice of the terms of the inmate’s parole shall be
23 provided to the immediate family of the parolee, and to
24 the local law enforcement and the local welfare office of
25 the community to which the person is scheduled to be
26 released on parole, or rereleased following a period of
27 confinement pursuant to a parole revocation without a
28 new commitment.

1 (3) For the purposes of this paragraph the following
2 terms are defined to mean:

3 (A) “Immediate family of the parolee” means the
4 parents, siblings, and spouse of the parolee.

5 (B) “Local law enforcement” means the chief of
6 police of the city in which the parolee is to reside, and the
7 sheriff of the county in which the parolee is to reside if the
8 parolee is to reside outside the limits of any city.

9 (b) (1) The notification shall be made by mail at least
10 45 days prior to the scheduled release date, except as
11 provided in paragraph (2). In all cases, the notification
12 shall include the name of the person who is scheduled to
13 be released, the terms of that person’s parole, whether or
14 not that person is required to register with local law
15 enforcement, and the community in which that person
16 will reside. The notification shall specify the office within
17 the Department of Corrections that has the authority to
18 make the final determination and adjustments regarding
19 parole location decisions.

20 (2) When notification cannot be provided within the
21 45 days due to the unanticipated release date change of
22 an inmate as a result of an order from the court, an action
23 by the Board of Prison Terms, the granting of an
24 administrative appeal, or a finding of not guilty or
25 dismissal of a disciplinary action, that affects the sentence
26 of the inmate, or due to a modification of the
27 department’s decision regarding the community into
28 which the person is scheduled to be released pursuant to
29 paragraph (3), the department shall provide notification
30 to the agencies specified in subdivision (a) as soon as
31 practicable, but in no case less than 24 hours after the final
32 decision is made regarding the location where the
33 parolee will be released.

34 (3) Those agencies receiving the notice referred to in
35 this subdivision may provide written comment to the
36 board or department regarding the impending release.
37 Agencies that choose to provide written comments shall
38 respond within 30 days prior to the inmate’s scheduled
39 release, unless an agency received less than 45 days’
40 notice of the impending release, in which case the agency



1 shall respond as soon as practicable prior to the scheduled
2 release. Those comments shall be considered by the
3 board or department which may, based on those
4 comments, modify its decision regarding the community
5 in which the person is scheduled to be released. The
6 Department of Corrections shall respond in writing not
7 less than 15 days prior to the scheduled release with a final
8 determination as to whether to adjust the parole location
9 and documenting the basis for its decision, unless the
10 department received comments less than 30 days prior to
11 the impending release, in which case the department
12 shall respond as soon as practicable prior to the scheduled
13 release. The comments shall become a part of the
14 inmate's file.

15 (c) If the court orders the immediate release of an
16 inmate, the department shall notify the child protective
17 service agency with jurisdiction over the community in
18 which the person is scheduled to be released on parole.

19 (d) In no case shall the notice required by this section
20 be later than the day the person is released on parole.

21 SEC. 3. Section 16504 of the Welfare and Institutions
22 Code is amended to read:

23 16504. (a) Any child reported to the county welfare
24 department to be endangered by abuse, neglect, or
25 exploitation shall be eligible for initial intake and
26 evaluation of risk services. Each county welfare
27 department shall maintain and operate a 24-hour
28 response system. An immediate in-person response shall
29 be made by a county welfare department social worker
30 in emergency situations in accordance with regulations of
31 the department. The person making any initial response
32 to a request for child welfare services shall consider
33 providing appropriate social services to maintain the
34 child safely in his or her own home. However, an
35 in-person response is not required when the county
36 welfare department, based upon an evaluation of risk,
37 determines that an in-person response is not appropriate.
38 An evaluation of risk includes collateral contacts, a review
39 of previous referrals, and other relevant information.

1 (b) A county welfare department social worker shall
2 make an in-person response whenever a referral is
3 received pursuant to Section 11254. Whenever a referral
4 is received pursuant to Section 11254, the county welfare
5 department social worker, within 20 calendar days from
6 the receipt of the referral, shall determine whether the
7 physical or emotional health or safety of the individual or
8 child would be jeopardized if the individual and child
9 lived in the same residence with the individual's own
10 parent or legal guardian, or other adult relative.

11 (c) When a county welfare department receives a
12 notification, pursuant to Section 3058.9 of the Penal Code,
13 of the imminent release of a parolee who has a child for
14 whom the county welfare department has a previously
15 closed case, that notification shall ~~be treated as a report~~
16 ~~of child abuse~~ *prompt an investigation pursuant to the*
17 *report described in subdivision (a).* A county welfare
18 department social worker shall ~~make an in-person~~
19 ~~response to~~ evaluate the risk of the child abuse, neglect,
20 or exploitation within 30 calendar days of the release of
21 the parolee named in the notification received by the
22 county pursuant to Section 3058.9 of the Penal Code.

23 SEC. 4. *On or before December 31, 2001, the State*
24 *Department of Social Services shall report to the*
25 *Legislature the number and severity of incidents of child*
26 *abuse, neglect, or exploitation perpetrated against the*
27 *child of a person released from prison by that person after*
28 *his or her release from prison for crimes enumerated in*
29 *subdivision (a) of Section 3058.65 of the Penal Code. The*
30 *report shall cover the most recent 24-month period for*
31 *which data is available.*

32 SEC. 5. Notwithstanding Section 17610 of the
33 Government Code, if the Commission on State Mandates
34 determines that this act contains costs mandated by the
35 state, reimbursement to local agencies and school
36 districts for those costs shall be made pursuant to Part 7
37 (commencing with Section 17500) of Division 4 of Title
38 2 of the Government Code. If the statewide cost of the
39 claim for reimbursement does not exceed one million

1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.

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